

The regular meeting of Sinking Spring Cemetery Association was June 1, 1960, at the Appalachian Power Company., with a good attendance.

The meeting was called to order by the president.

The minutes of the last meeting were read by the secretary.

The president gave a report of work done on the cemetery during year, which consisted of cleaning the grounds of rock, dead trees, etc. The 1a belonging to the H. H. Scott and the Campbell heirs was cleaned up, which had available additional ground to be used for some purpose. Mrs. Lucille McConne one of the Scott heirs, advised the Association that she, Mrs. Muriel Bundy a Mrs. Frances Morgan, which are all of the Scott heirs, desire to donate their interest in this plot of ground to the Association. She also stated that the Campbell heirs had expressed their desire to donate their interest in same to the Association.

Mr. A. W. Crosswhite, President, stated that Mr. B. J. Clifton had donated a two room building to the Association, which has been moved to the cemetery grounds, and will be used for a tool house.

The corresponding secretary was requested to write a note of than to Mr. Clifton for the donation of this building.

Mrs. C. B. Goodpastuer advised that the Wolf Creek Home Demonstra Club had created a memorial fund to be used in beautifying the entrance to the cemetery. After a discussion of the matter Mrs. John O. Bradley made a motion that the Association donate a sum of at least \$25.00 to be used for a memorial to Mrs. Mary Balance and Mrs. Mamie Hyler. After a discussion of this matter, it was decided that there were many loyal members of the Association who had passed that should be remembered, and upon motion of Mrs. Lucille McConnell, seconded and carried, it was decided that the members of the Association contribute at least \$1.00 each as a memorial fund, and to be used in connection

with the Wolf Creek Home Demonstration Club memorial fund. Miss Dora Bradley was asked to contact members of the association and solicit funds for this purpose.

The following financial report was given by the Treasurer, Mrs.

John D. Bradley:

# **REPORT - SINKING SPRING CEMETERY ASSOCIATION - 1959**

## **Receipts:**

Cash on hand 1-1-59	\$ 354.03
Donations (\$600.00 Town of Abingdon)	1504.75
Opening graves	200.00
	<u>\$12058.78</u>

## **Disbursements:**

Salary - caretaker	\$1097.25
Equipment	100.14
House repairs	75.13
General expenses	527.78
	<u>\$1870.50</u>
Cash on hand 1-1-60	188.48
	<u>\$12058.78</u>

## **Estimated budget for 1960**

Salary - caretaker	\$1500.00
Mower and trimmer	200.00
General expenses	300.00
	<u>\$2000.00</u>

## **Trust Fund:**

\$1207.42 Farmers Exchange Bank (To be used for upkeep of certain plots).

January 1, 1960

## **Receipts:**

Cash on hand	\$ 188.48
Donations - Town of Abingdon	\$500.00
Donations	267.00
Opening graves	767.00
	<u>125.00</u>
	<u>\$1080.48</u>

Disbursements:

Salary - caretaker	\$400.00
House repairs	75.00
General expenses	<u>85.00</u>
	\$560.00
Cash on hand 6-1-60	<u>520.48</u>

\$1080.48.

On motion duly made, seconded and carried the same officers were elected to serve for the ensuing year and until their successors are elected and qualified.

On motion of Mrs. John D. Bradley a rising vote of thanks was given to Mr. A. W. Crosswhite in appreciation of his services during the past year.

No further business appearing, the meeting, on motion, adjourned.

A. W. Crosswhite  
President

Anna D. Daugherty  
Secretary

At the June 13, 1921, meeting of the Sinking Spring Association, the following Constitution and By-Laws were adopted.

## CONSTITUTION AND BY-LAWS OF THE SINKING SPRING CEMETERY ASSOCIATION

### Article I - Name

The Association shall be called the Sinking Spring Cemetery Association

### Article II - Object

The object of the Association is to maintain and keep, at all times, the graves in the cemetery, and the roadways, hedges, shrubbery, trees, etc. in first class condition.

### Article III - Membership

Any person may become a member of the Association by attending the meeting or by signifying a desire to join, and by the payment of an annual fee of \$1.00.

### Article IV - Officers

The officers of the Association shall consist of a president, two vice presidents, a treasurer, a recording secretary, and a corresponding secretary who shall be elected annually by ballot, and shall hold office until the next annual meeting after their election, or until their successors are chosen.

### Article V - Committees

Sec. 1 - The officers shall constitute an executive committee.

Sec. 2 - The following standing committees shall be appointed:

A Finance Committee.

A Membership Committee.

Sec. 3 - Other committees may be appointed as need arises.

### Article VI - Meetings

The annual meeting shall be held on the first Monday in April. Monthly meetings shall be held on the first Monday of each month. Meetings may be called at any time by the president provided due notice be given.

Ten shall constitute a quorum for the transaction of business.

(This was amended on May 1, 1923, to read: "Those present shall constitute a quorum for the transaction of business.")

### Article VII - Duties of Officers

Sec. 1 - The president shall preside at all meetings of the Association and shall be the general executive officer.

Sec. 2 - The Vice-Presidents shall, in their respective order, in the absence of the president, perform the duties belonging to the president's office, and shall render such other assistance as may be required by the president.

Sec. 3 - The corresponding secretary shall attend to the correspondence of the association, and shall send out such information as may be directed from time to time.

Sec. 4 - The recording secretary shall have charge of the records of the association, keep the minutes of all business meetings, and make all announcements.

#### Article VIII - Duties of Committees

Sec. 1 - The executive committee shall have general supervision of the work in the cemetery acting for the association between meetings.

Sec. 2 - The membership committee shall make an organized effort to enroll members. They shall make an annual effort to retain all old members, and to secure new ones.

Sec. 3 - The finance committee shall devise ways and means to keep adequate funds in the treasury to meet all expenses in properly caring for the cemetery.

Sec. 4 - Special committees shall perform such duties as are indicated in their appointment.

#### Article IX - Amendments

This Constitution and By-Laws may be amended during any regular business meeting of the Association by a two-thirds vote of the members present.

Any motion to amend must be on the table at least one month before final action is taken.

Committee:

Mayor A. P. Hutton  
Rev. W. M. Walsh  
Mr. Gilmore Penn



Madame Mayor, Members of Council, Town Manager

We are pleased to submit the final report of the Sinking Spring Interim Cemetery Committee. Our approach has been practical. We have met a number of times and undertaken to incorporate our suggestions in the report. Copies have been delivered to you. The report includes the draft of a proposed ordinance for the establishment of a permanent cemetery committee. We hope the Council will follow up on this recommendation. We are also suggesting some rules and regulations which are intended to be administrative in nature. They can provide some guidelines for the Town to follow for the care and administration of the cemetery.

Please look at Page 3 of your copy of the Report. The Sections beginning with the No. 46 are references to ordinances in the Code of the Town of Marion. That Town maintains two cemeteries. In turn the town code sections refer to the state Code of Va. We don't believe that our Town needs to adopt similar ordinances since it appears that state laws are adequate. These references will serve to draw your attention to the fact that there are laws in force to protect cemeteries. Mr. Kelly is well aware of these laws.

Please take the time to read the short history of the cemetery which Gene Matthis has prepared. Also enclosed in your package is an advance copy of a brochure prepared for a walking tour of the cemetery. Preparation of this brochure was initiated by The Historical Society with the help of Gene Matthis, Kathy Schearer and major assistance from Myra Cook at the Town Tourism Center. If you have not taken a tour of the cemetery we suggest that you do so during the Highlands Festival.

At one of our last meetings the Town Arborist submitted a detailed recommendation for the planting of trees in the cemetery. He has a record and we do recommend that his advice be considered in the future.

President Abraham Lincoln referred to This Hallowed Ground in his famous Gettysburg address. We submit that we in Abingdon and Washington County have in our own modest way our "Hallowed Ground." Gene Matthis tells us that the first burial in the cemetery was in 1776. The wording on the tomb stone is still legible. Adjacent to the Cummings Cabin is the monument with the names of Revolutionary War soldiers from Washington County. Some of them died in the Battle of King's Mountain. Not too far away are the graves of the unknown Confederate dead. Further on is the tomb stone of William Holzhauer who died on the battleship Oklahoma on Dec. 7, 1941. I suggest that there are many buried in the cemetery who plowed the ground and hoed the weeds and contributed to the Town of Abingdon as we enjoy it today.

On behalf of our committee and if I may be so bold to say so, the citizens of the Town of Abingdon, we thank you, the Town Council, for accepting the responsibility for caring for the cemetery. We submit that it not only shows great respect for our ancestors but also sets an example of responsible civic action for future generations.

I would like at this time to recognize and thank the members of our committee for their service: Kitty Henninger, Gene Matthis, Ed Morgan, Anne Hutton, Francine Ivery and Charles Seaver.

This concludes our report and ends our committee. Thank you.

## REPORT TO COUNCIL BY INTERIM CEMETERY COMMITTEE

At the meeting of the Town Council in March 2006 the Council approved an interim cemetery committee. The Committee was directed to report back to the Council within twelve months with its recommendations regarding the future care and operation of the cemetery. The members of the committee were to consist of one member from the Town Council, one member from the Historical Society of Washington County, Va., Inc., one member from the Sinking Spring Presbyterian Church, one member from a funeral home located in the Town of Abingdon, three members from the community at large. At least one member from the community at large should be related to a person buried in the cemetery.

The council appointed the following to the Committee:

Jack Frost, Frost Funeral Home,  
Kitty Henninger, Session of the Sinking Spring Presbyterian Church  
Anne Hutton, community at large with relatives buried in the cemetery,  
Francine Ivery, community at large,  
Gene Matthis, community at large,  
Ed Morgan, Town Council,  
Charles Seaver, President, Historical Society of Washington County,  
Incorporated,  
Tom Phillips, former Town Council,

Greg Kelly, Town Attorney/Manager, served as advisor and participated in the meetings with the committee. Tom Phillips served as Chair.

The Committee met a number of times and submits the following report.

### I. History

Gene Matthis has prepared a brief history of the cemetery which is attached as Exhibit A. Also attached is a plat of the cemetery titled "Cemetery Acreage," copy of a GIS photograph and a plat showing the separate sections for the Sinking Spring Presbyterian Church section, the Scott Campbell addition and the Penn addition. Exhibit B.

### II. Rules and Regulations

Attached for the information of the Council is a set of Rules and Regulations, Exhibit C, which the Committee recommends be followed by the Town in the operation and maintenance of the cemetery. Since it is anticipated that these Rules and Regulations may need to be changed from time to time the Committee does not recommend and the Council is not being requested to enact these Rules and Regulations as an ordinance at this time.

### III. Draft Ordinance

The Committee has prepared and recommends and submits for the approval and enactment by the Council the ordinance attached as Exhibit D. This ordinance

would establish a permanent committee which would meet not less than twice yearly and report annually to the Council about visitors to the cemetery, activities in the cemetery, maintenance and operation of the cemetery during the past year and its recommendations for the future operation, care and maintenance of the cemetery and other pertinent matters.

#### IV. Record or Deed Title to the Cemetery

What is referred to the Sinking Spring Cemetery consists of three adjoining but separate cemeteries known as the Sinking Spring Presbyterian Church section or cemetery, (a part of which is located on the east side of Russell Road and a part of which is located on the west side of Russell Road), the Scott-Campbell Addition and the Penn Addition.

The Presbyterian Church conveyed its title to the church section of the cemetery by deed dated Feb 3, 2006, a copy of which is attached as Exhibit E. Deeds have not been obtained for the Scott- Campbell Addition or the Penn Addition. In the minutes of the meeting of the Town Council held on March 2, 1981 the Town Council agreed for the Town to take over maintenance of the cemetery. The Town has been maintaining the cemetery since late 1980 or early 1981. The minutes further show that George Kreger was reported to be handling the legal ramifications applicable to the conveyance to the Town of the church section free of charge. Mr. Kreger did not complete the legal work prior to his death. It is believed that he did not do so because he was also attempting to obtain for the Town the titles to the Scott-Campbell and Penn Additions.

The Town does not have record title to the Scott-Campbell and Penn Additions. Some effort has been made to obtain partial title interests from the Scott heirs and from the Penn heirs. These interests would grant the Town some authority to exercise some of the rights of ownership for the protection of the cemetery and protection of existing burial rights of individuals in the cemetery. One of the Penn heirs has indicated that he would favor a quitclaim deed which would convey a partial interest in the Penn Addition. Efforts for the Scott-Campbell Addition have not been successful to date.

#### V. Cemetery Association

The Historical Society has copies of the minutes of the Sinking Spring Cemetery Association. The Association stopped meeting when the Town began maintenance and funds held by the Association were turned over to the Town. These funds were used to help with the initial purchase of the metal fence placed along both sides of Russell Road.

#### VI. Walking Tour Brochure

At the request of the committee the Historical Society of Washington County is preparing a brochure that can be used for self-guided tours of the cemetery. The Visitors Center is assisting in the production of the brochure and the Town will be requested to pay the printing costs. At this time photographs and a narrative have been obtained and prepared. The new brochure will be similar in format and size to the current one entitled *A Self Guided Walking Tour of Abingdon's Downtown Historic District*.



## Errata. Section IV. Record or Deed Title to the Cemetery

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## VII. Cummings Cabin

The Committee recommends that use of the Cummings Cabin be limited to activities appropriate for the cemetery and the historic nature and condition of the cabin and the cemetery. This is the original cabin occupied by the Reverend Charles Cummings dating back to circa 1774. The cabin premises have been used by the Sinking Spring Presbyterian Church for Easter morning services and for the annual Fourth of July programs by the Black's Fort Chapter of the Daughters of the American Revolution. The cabin could be used for school history classes and similar activities perhaps in cooperation with the Historical Society of Washington County, Incorporated.

In the deed conveying the title the Sinking Spring Presbyterian Church to the Town the Church retained certain rights to the Cabin:

The Grantor further retains a right and easement in and for ingress and egress to and from and the use and discretionary maintenance of the Cummings Cabin premises as shown on a survey prepared by John C. Morefield, CLS, dated 7-2-02 and titled "Plat Showing the Cummings Cabin premises" and attached hereto.

The Presbyterian Church retained ownership of the furnishings inside the cabin.

## VIII. Burial Information and Plats or Diagrams

The best source of information about burials in the cemetery is Catherine McConnell's book "High on a Windy Hill." The Historical Society has copies in its library. The committee has not been able to obtain a chart or diagram of the separate sections, squares or graves in the cemetery. There is no information that such a diagram exists for the Presbyterian Church section. There have been some comments that a diagram exists for the Scott-Campbell addition but the committee has not obtained a copy. There is no information about a diagram for the Penn addition.

The Historical Society has a list and map of the cemetery prepared by a Boy Scout for an Eagle Scout project.

The Committee does not recommend that the Town undertake to sell burial sites but rather continue to maintain and protect the cemetery.

## IX. Pertinent State Laws Among Others

- A. Sec. 57-27.3. Authorization for interment.
- B. Sec. 46-19. Trespassing upon, damaging property- Town property.
- C. Sec. 46-21. Damages to churches, church property, cemeteries, burial grounds.
- D. Sec. 46-22. Trespass-Upon cemetery,

E. Sec. 46-23. Same-Upon church or school property.

#### XI. Future of the Cemetery

A. The Committee has observed that the cemetery is well maintained. The addition of the iron fence has contributed significantly to the appearance of the cemetery and improved the appearance of that section of the Town. The Committee compliments the Town personnel responsible for the maintenance and care of the cemetery. The care and maintenance of the cemetery speaks well for the Town of Abingdon.

B. The Committee submits that the cemetery is historically significant and the expense required to maintain and operate the cemetery is justified. Present day residents of the Town and County have relatives or ancestors buried in the cemetery. The graves of citizens prominent in the history of our Town and County and Southwest Virginia can be found in the cemetery. Members of the Committee have observed frequent visitors to the cemetery. Tours of the cemetery have been conducted during the Virginia Highlands Festival for several years. Most recently Gene Matthis conducted tours during the 2006 Virginia Highlands Festival. Other tours were conducted for a Elder Hostel program and the College for Older Adults. These tours have been well attended.

C. The Committee recommends that the Town continue to maintain the cemetery in the manner in which it is being maintained at this time. Further research or work needs to be done to determine the role the Town will play in protecting the Scott-Campbell Addition and the Penn Addition.

D. The Committee has been informed that members of the Penn family and the Campbell family among others have plans to be buried in the cemetery in the future.


#### XII. Dissolution of Committee

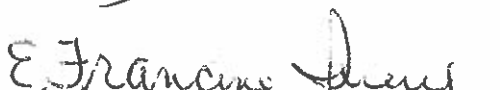
This report completes the work of the interim committee.

Respectfully submitted:

  
Jack Frost


  
Kitty Henninger

  
Anne P. Hutton

  
Francine Ivery

  
Gene Matthis

  
Ed Morgan

  
Charles Seaver

  
Thomas C. Phillips, Jr., Chair

## EXHIBITS

Exhibit A	History of Cemetery
Exhibit B	Plat and GIS Photograph
Exhibit C	Proposed Rules and Regulations
Exhibit D	Draft Ordinance
Exhibit E	Deed



# Historical Sketch of Sinking Spring Cemetery

By Gene Matthis

August 26, 2006

Revised Nov. 29, 2006

Revised Feb. 15, 2007

The history of Sinking Spring Cemetery goes back to an original deed recorded in Deed Book A, page 62 in which Dr. Thomas Walker of Albemarle County conveyed to the minister and congregation of the Sinking Spring Presbyterian Church and their successors 55 acres by estimation "in Fincastle County on the waters of the Wolfe Hill Creek branch of the Holstone River". This deed is dated April 14, 1774 and became known as the "meeting house" tract and also as the "glebe lands". The original Sinking Spring Presbyterian Church was built on this land and the land immediately surrounding the church became the cemetery. Francis Walker, the executor of Dr. Walker's estate thought there was a legal problem with this deed so he wrote a second deed dated January 11, 1801 and recorded it in the Washington County deed book 2 on page 272, to Charles Cummings, Robert Craig Sr., John Campbell, Matthew Willoughby, John Davis, Frederick Hamilton, James Vance, James Campbell, James Armstrong, William King and John Preston as trustees to the Sinking Spring Congregation and their Successors forever, for the exact same 55 acres.

It was on this tract that the first Sinking Spring Presbyterian Church, a log structure, was built. It was shortly thereafter replaced by an improved and somewhat larger log structure at the same location. This served as the church building until the early 1830's when a new church was built in downtown Abingdon that today serves as the Barter Theater. Sinking Spring Cemetery grew around the original log church building like ripples from a stone thrown into a pond. The first burial in this cemetery occurred on July 4, 1776, Independence Day! That person was Henry Cresswell and his tombstone can still be read today and says, "Henry Cresswell entered this place July 4, 1776". Since that beginning, many famous and humble Virginians have been interred here and it serves as a virtual history of America.

In 1872, 30 acres of this original 55 was sold to James Fields, builder of the Fields Penn House and he turned this land into a housing development which today defines a portion of the northern boundary of the town of Abingdon. In 1877, 14 more acres was sold to Henry Hopkins "Hop Scott" Scott, well known early entrepreneur of Abingdon who used 12 of these acres to start what was known as the Hamilton - Scott Addition to the Town of Abingdon. Later the remaining 2 acres would become a part of the present cemetery.

The first addition to Sinking Spring Cemetery occurred on February 24, 1893 when Henry Fugate et ux and John F. Risen et ux and several members of the Penn Family conveyed to George E. Penn as trustee, 15.37 acres of land which George Penn began to sell. About 2 acres of this 15.37 acres adjoining the Sinking Spring Cemetery on the south side was sold by George E. Penn as cemetery squares for family burial plots and became known as the Penn Addition to Sinking Spring Cemetery. The balance of the 15.37 acres was sold to others for other purposes. These sales of family squares were recorded in the Washington County Clerks Office but were not described by a metes and bounds description.

The second addition was added to Sinking Spring Cemetery in 1923 when H. H. Scott and J. Paul Campbell formed a trust of the two acres mentioned above and named Floyd Bradley McConnell trustee. Mr. McConnell proceeded to sell family burial squares in what became known as the Scott - Campbell addition to Sinking Spring Cemetery. The sales of these squares were not recorded in the Washington County Clerks office. This addition adjoins Sinking Spring Cemetery on the northwest side. About half of this 2 acres was sold as burial squares and the other half was not sold because the ground was too wet and water would accumulate in graves. The remaining 1-acre remains unused.

Exhibit "A"

No provision was ever made for perpetual care for graves in Sinking Spring Cemetery or the two additions, nor were any records of burials maintained. In the early 1920's a cemetery committee was formed to attempt to maintain the cemetery which had fallen into a state of disrepair. This effort was funded by individual contributions and sufficient funds to properly maintain the cemetery were never available. On May 30, 1982, the congregation of Sinking Spring Presbyterian Church authorized the trustees of the church to convey to the town of Abingdon the Church's ownership in Sinking Spring Cemetery with certain conditions. Since that date the town has taken over maintenance not only of the Sinking Spring Presbyterian Church Cemetery, but also of the two additions.

The transfer of the Church's interest in the Cemetery was finalized by deed dated February 3, 2006, which conveyed the Church's interest in the Cemetery to the Town of Abingdon. As previously mentioned, no records of burials in any of the cemeteries were ever maintained. The only record existing today is contained in the publication "High on a Windy Hill" by Catherine Sanders McConnell and subsequent additions thereto. These publications are available at The Historical Society of Washington County.

## SINKING SPRING CEMETERY RULES AND REGULATIONS

The following rules and regulations shall apply to all future burials in Sinking Spring Cemetery and all of its sections, including the original section of Sinking Spring Cemetery, as well as the Scott-Campbell Addition and the Penn Addition.

Pursuant to Resolution of the Trustees of Sinking Spring Presbyterian Church, dated April 19, 1941, all burial sites located in the original section of Sinking Spring Cemetery have previously been appropriated and as a result no one further shall be buried in that section, except within a noted/identifiable family square to which an individual in accordance with appropriate state law can prove entitlement to.

### I. Interment Regulations

**A. INTERMENTS** - The Town of Abingdon shall accept the notarized statement of one (1) next of kin of a decedent for the purpose of authorizing the burial of that decedent or of his or her cremains in any square or lot in the cemetery, which statement shall include an affirmation that there exists a right for the burial in such square or lot, unless said Town is, at the time of the receipt of such notarized statement, given written notice that there exists a dispute between the next of kin over such burial; and, in case of such dispute, said Town shall have no obligation to allow the burial until there is an agreement of all next of kin or until there is a Court order adjudicating the issue. For the purpose thereof, "next of kin" means any of the following persons, regardless of relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains or cremains upon his or her death pursuant to Section 54.1-282 of the 1950 Code of Virginia, as amended, the legal spouse, child over eighteen (18) years of age, custodial parent, non-custodial parent, siblings over eighteen (18) years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over eighteen (18) years of age, or any other relative in the descending order of blood relationship.

**B. GRAVE OPENINGS.** All openings shall be subject to the prior approval of the Town and its designated representative. All gravesites shall be located by and dug under the direction and supervision of the Town Manager or his designated representative. The Town Manager or his designee shall keep a record of all future persons buried, date and location of grave. The Town shall be given at least 24 hours notice before the opening and preparation of the grave prior to interment.

**C. VAULT.** All burials, except for cremains, shall require a vault, either steel or concrete.

**D. HUMAN REMAINS.** All burials shall be restricted to the remains or cremains of human beings.

### II. Ownership and Title of Lots

**A. OWNERSHIP RIGHTS.** The term ownership of a cemetery lot shall be construed to mean the right to use a lot or part thereof for burial purposes of the remains or cremains of bodies or human beings only. All lots are exempt from taxation and cannot be attached, levied on or encumbered in any way by the Town of Abingdon.

**B. TRANSFER OF TITLE AFTER DEATH.** When any person dies owning a cemetery lot which has not been used for such person's burial, the Town shall transfer ownership of such cemetery lot to such deceased person's proper successor or successors upon presentations to the Town of proper documentation for the transfer, such as a copy of a duly probated will or a duly recorded List of Heirs.

**C. TRANSFER OF TITLE BY LIVING OWNERS.** Title to cemetery lots may be transferred by any living owner upon application to the Town for such transfer. Upon proper application being filed by the new owner, the Town shall issue a certificate in the name of the new owner and the certificate of the former owner is cancelled.

### III. Decorations and Landscaping

**A.** As soon as flowers, wreaths, emblems, etc. used at funerals or placed on graves at other times become faded, they will be removed and no responsibility for their protection or maintenance is assumed by the Town. .

**B.** No planting of trees of any type will be permitted within the confines of the cemetery proper without express permission from the Town Manager or his designee.

### IV. Future Monuments and Markers

#### **A. DEFINITIONS:**

1. *Marker* - a small individual memorial that is intended to be inscribed being 12" x 24" or larger, placed at either the head or foot of the grave and sometimes referred to as a headstone or tablet.

2. *Monument* - A large memorial placed on a lot to indicate one or more graves.

**B.** No monument or marker can be set in the cemetery except by a person, firm, or corporation without written permission issued by the Town to do work and such permission will not be issued by the Town until satisfactory evidence is furnished that the applicant is qualified to perform the work for which employed. The Town may revoke permission at any time for violation of the cemetery rules or other cause.

**C.** The use of stone not of monument quality to mark a lot or grave is expressly prohibited.

The base and die of all monuments must be of the same material. The base must be of sufficient depth to fit the established grade. All joints to monument work must be leaded or be made with use of an appropriate compound. Portland cement preparations may not be used for this purpose.

Foundations for monuments and markers shall be installed by the monument dealer and shall be of good concrete, at least two and one half (2.5) feet deep for a monument and one and one half (1.5) feet deep for a marker. The foundation must be at least as wide and long as the base stone resting upon it. Foundations shall be finished true and level and two (2) inches below the surface of the ground where lowest. All stone work shall have the surface next to the foundation cut sufficiently true and level to allow every part to be in contact with the foundation. The use of sprawls, chips, or underpinnings between the stone and foundation, or the irregularities or other defective workmanship in the base stone will not be allowed. Whenever a foundation spans a grave opening, reinforcing steel shall be placed in the concrete as is deemed necessary by the Town Manager or his designee.

The monument dealer will set all stones under the supervision of the Town Manager or his designee. Persons working in the cemetery are prohibited from attaching ropes, chains, or cables to trees, shrubs or other objects without permission.



Monument dealers and/or workers who do not observe the regulations and properties of the cemetery will be prohibited from working in the cemetery. The Town will not assume any responsibility or liability for accidents or damage to monuments resulting from the ordinary hazards of cemetery work. However, the Town will use reasonable care in engaging competent and experienced workmen and in seeing that they do their work with customary carefulness.

### **V. Miscellaneous**

- A. No person shall injure or deface any part of the cemetery enclosure or grounds or any burial lot or grave or any monument or marker. Nor shall any person destroy or injure any tree, shrub, vine, plant or flower therein.
- B. No firearms or fireworks shall be discharged on cemetery grounds at any time except in the course of military funerals.
- C. These rules and regulations may be amended or modified from time to time by the Town Council.

### **VI. Responsibility, Enforcement, Exceptions**

- A. The Town will take all reasonable precautions to protect lot owners and the property rights of lot owners from loss or damage, but to the extent allowed by law the Town distinctly disclaims responsibility for loss and damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or other acts of military or civil authority, whether the damage be direct or indirect.
- B. Special cases may arise in which the literal enforcement of a rule would impose unnecessary hardship. The Town Manager reserves the right to make exceptions, suspensions or modifications of any of these rules and regulations without notice, when in the judgment of the Manager, such actions appear necessary. Such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application of such rules and regulations.



DRAFT  
SINKING SPRING CEMETERY ORDINANCE

(Reference Sec. 78-6, Code of the Town of Abingdon)

Sec. XXXXXX, Sinking Spring Cemetery Committee

Creation of Sinking Spring Cemetery Committee

There is hereby created a committee to be named the "Sinking Spring Cemetery Committee." The Committee shall be composed of not less than seven voting members appointed by the Town Council. In addition an employee designated by the Town Manager shall be a non-voting member.

- (1) Qualification and compensation. The seven voting members shall consist of the following:

Town of Abingdon - one member  
Historical Society of Washington Co. Va., Inc. - one member  
Sinking Spring Presbyterian Church - one member  
Funeral Home located in the Town of Abingdon - one member  
Community at large - three members, one of whom is related to or descended from family relatives or ancestors buried in the cemetery

The members shall serve without compensation but all necessary expenses of the Committee shall be paid by the Town pursuant to appropriate action by the Town Council

- (2) Terms of Office. The seven voting members shall be appointed by the Town Council for three year staggered terms and serve until their respective successors are appointed. Of the members initially appointed one shall serve for one year, three shall serve for two years, and three shall serve for three years. Thereafter all members shall serve three year terms. Vacancies resulting from death, resignation or other causes shall be filled for the unexpired term in the same manner original appointments are made. Members may serve any number of terms but not more than two terms consecutively.

- (3) Duties of the Committee

- a. The Committee shall within a reasonable time after appointment, conduct an organizational meeting to elect a chairman, vice-chairman and standing sub-committee chairs as needed, and provide for the adoption of rules and procedures for holding public meetings. The Town employee designated by the Town Manager shall act as secretary and conduct the daily affairs of the committee. The secretary shall cause a record to be kept of all proceedings, resolutions, findings and actions taken by the Committee. The Committee's records shall be filed with the town clerk;
- b. The Committee shall meet not less than twice each year, or more frequently if deemed necessary by the Committee,

EXHIBIT D

Exhibit "D"

## DRAFT

- c. The Committee shall visit and inspect the cemetery not less than annually or more frequently if deemed necessary by the committee.
- d. The Committee shall within three months after the end of each calendar year report in writing to the Town Council about the condition of the cemetery and submit such recommendations about the operation and maintenance of the cemetery as the committee deems appropriate. In addition the report shall include information about all burials in the cemetery, if any, in the cemetery during the previous year including the names and dates and other personal information available and other activities such as the installation of monuments and such information that is available about the number and frequency of visitors to the cemetery.
- e. The Committee may make recommendations to the Town Council which the members of the Committee deem appropriate to maintain, protect and preserve the historical nature of the cemetery.



This QUITCLAIM DEED is made and entered into this 3rd day of February, 2006 by and between Anne P. Hutton, Joseph H. Hutton and Glen Hubbard, Trustees of SINKING SPRING PRESBYTERIAN CHURCH, an unincorporated association located at 136 East Main Street in the Town of Abingdon, County of Washington and State of Virginia, Grantor, and the TOWN OF ABINGDON a municipal corporation chartered under the laws of the State of Virginia, Grantee.

# W I T N E S S E T H

That for and in consideration of the Grantee having heretofore agreed and presently agreeing to maintain and control in perpetuity as the location for the historic Cummings cabin and for cemetery purposes the following described property which is part of what is generally known as the Sinking Spring Cemetery, the Grantor does hereby quitclaim, release and convey to the Grantee all the right, title and interest of the Grantor in and to the following described property located in the Town of Abingdon, County of Washington, and State of Virginia:

Being all of the property remaining from the conveyances to and for the benefit of the Sinking Spring Presbyterian Church by:

(i) Deed from Thomas Walker dated April 14, 1774 and recorded in the Clerk's Office for the Circuit Court of Montgomery County, Virginia in Deed Book A at Page 62,

(ii) Deed from Francis Walker, Executor of the last will and testament of Thomas Walker, dated January 11, 1800 and recorded in the Clerk's Office for the Circuit Court of Washington County, Virginia in Deed Book 2 at Page 272; and

(iii) Deed from Ellen S. White Campbell, widow of Dr. E. M. Campbell, dated March 10, 1902 and recorded in the last mentioned Clerk's Office in Deed Book 61 at Page 327.

All portions of the properties in the above described three deeds heretofore conveyed or heretofore condemned are excluded from this conveyance.

This conveyance is made subject to all rights with respect to persons heretofore buried and/or hereafter buried in the cemetery, whether those rights are recorded or unrecorded in the public records, together with the right of ingress and egress for (i) persons conducting or participating in the burial of such persons and (ii) for the relatives or friends of persons visiting the graves of persons buried or to be buried in the cemetery.

This instrument was prepared by Thomas C. Phillips, Jr., attorney. **EXHIBIT E**

Exhibit "E"

INST 060001789

INTEREST IN TAX ID. NOS. 11-1-72 and 11-1-73 GRANTEE ADDRESS: P.O. Box 789 ABINGDON, VA 24212

The Grantor further retains a right and easement in and for ingress and egress to and from and the use and discretionary maintenance of the Cummings Cabin premises as shown on a survey prepared by John C. Morefield, CLS, dated 7-2-02 and titled "Plat Showing the Cummings Cabin premises" and attached hereto.

The Grantee by the execution of this instrument by its Town Manager pursuant to due authority hereby acknowledges that the real estate conveyed herein with all noted exceptions, reservations and other provisions contained in this deed, has been accepted by the Grantee and that its attorney has approved the form of this deed.

This conveyance is made subject to any easements, rights-of-way, conditions, covenants, restrictions, reservations, exceptions and matters which may affect the property herein conveyed.

This conveyance by the Trustees of Sinking Spring Presbyterian Church has been duly authorized by Decree of the Circuit Court of Washington County, Virginia, entered January 4, 2006, Chancery File No. 05-358.

WITNESS the following signatures and seals:

Anne P. Hutton (SEAL)  
Anne P. Hutton  
Trustee of Sinking Spring Presbyterian Church

Joseph H. Hutton (SEAL)  
Joseph H. Hutton  
Trustee of Sinking Spring Presbyterian Church

Glen Hubbard (SEAL)  
Glen Hubbard  
Trustee of Sinking Spring Presbyterian Church

Town of Abingdon by  
G. M. Newman (SEAL)  
G. M. Newman, Town Manager

STATE OF VIRGINIA

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me this 3rd  
day of January, 2006 by Anne P. Hutton and Joseph H. Hutton,  
trustees of Sinking Spring Presbyterian Church.

Michelle A. Reynolds  
Notary Public

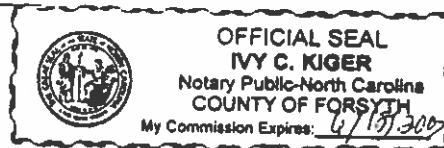
My commission expires 8-31-2006

STATE OF North CarolinaCOUNTY/CITY OF Forsyth

The foregoing instrument was acknowledged before me this 6th  
day of February, 2006 by Glen Hubbard, trustee of Sinking Spring  
Presbyterian Church.

Ivy C. Kiger  
Notary Public

My commission expires June 18, 2007



STATE OF VIRGINIA

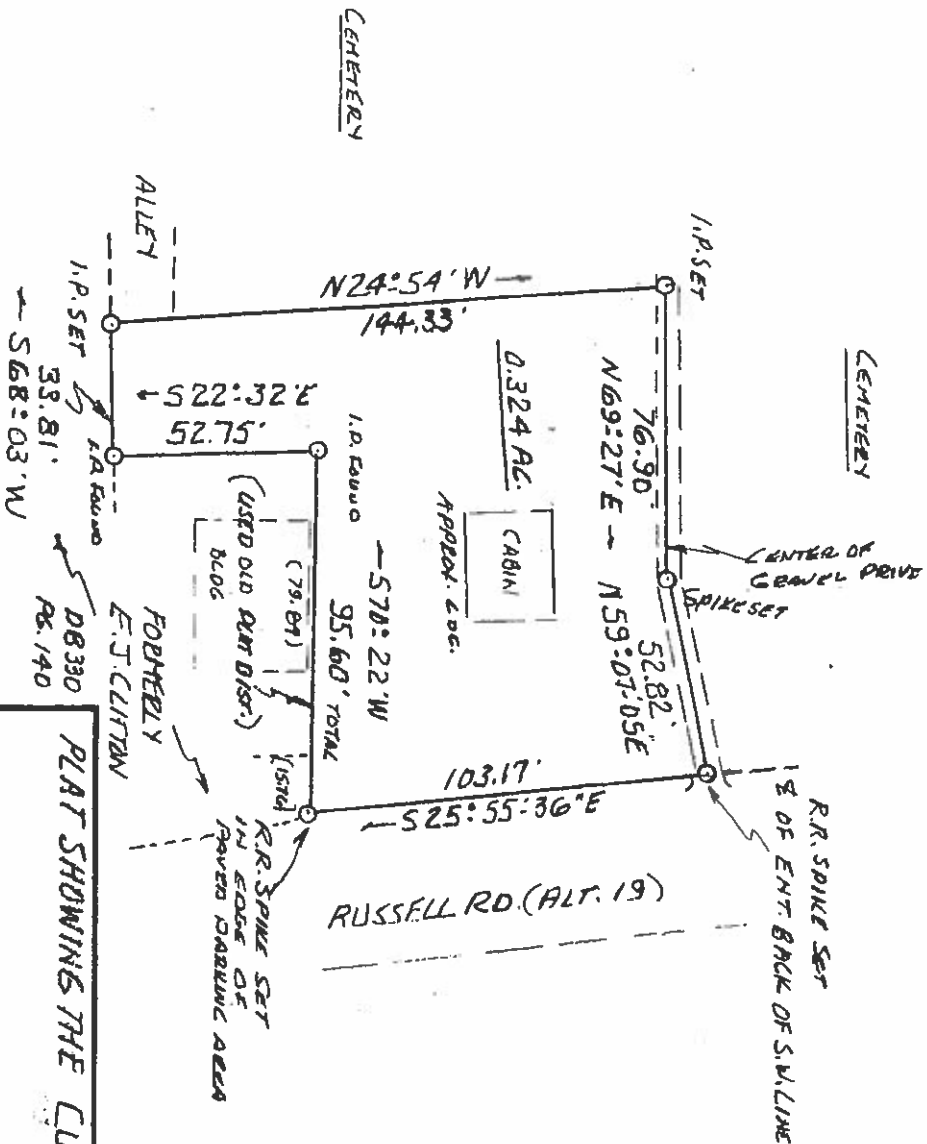
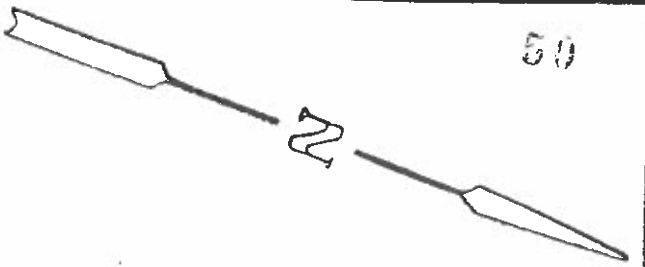
COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me this 7th  
day of March, 2006 by G. M. Newman, Town Manager of the Town  
of Abingdon, a municipal corporation chartered under the laws of the  
Commonwealth of Virginia on behalf of the Town of Abingdon.

Linda F. Wilson  
Notary Public

My commission expires April 30, 2009

INSTRUMENT #060001785  
RECORDED IN THE CLERK'S OFFICE OF  
WASHINGTON COUNTY CL  
MARCH 16, 2006 AT 11:06AM  
KATHY F. CRANE, CLERK



**SURVEYORS CERTIFICATION**  
 I CERTIFY THAT THE PROPERTY  
 AS SHOWN ON THIS PLAT REFLECTS  
 A TRUE AND ACCURATE FIELD  
 SURVEY.

10-16-03  
 DATE

*[Signature]*  
 CERTIFIED LAND SURVEYOR

PLAT SHOWING THE CUMMINGS CABIN PREMISES

SCALE: 1"=50'  
 DATE: 7-2-02  
 APPROVED BY:  
 U.C. MOBERGFELD C.L.S.  
 DRAWN BY: JCA  
 REVISED: 10-16-03

LOCATED ON RUSSELL ROAD  
 TOWN OF ARLINGTON WASHINGTON CO. VA.

DRAWING NUMBER



TOWN OF ABINGDON  
**SINKING SPRINGS CEMETERY COMMITTEE**

MINUTES

**Meeting on Saturday, May 10, 2008 at 10:30 a.m.**

**Members Present**

Ed Morgan  
Charles Seaver  
Anne Hutton  
Francine Ivery  
Gene Matthis  
Kitty Henninger  
Greg Kelly

**Absent**

Jack Frost

Mr. Morgan began the meeting with discussions about the bird houses in the cemetery and he recommended that they be observed for one year to see if they present a problem with droppings on the cemetery stones. Anne Hutton recommended removal of the bird houses if they present noticeable problems for the stones.

The group discussed the Scott and Penn additions to the cemetery and agreed that the Town should continue to acquire clearer title for those two additions.

Francine Ivery inquired if there were additional gravesites in the African American section of the cemetery and could they be sold. The group noted that the cemetery was being maintained very well by Town staff and was in excellent condition.

Mr. Morgan asked the group to consider the installation of a columbarium at the cemetery.

Anne Hutton recommended that the committee members encourage family square owners to fence the square for added protection to the square markers.

The group recommended the following items be discussed by the Tree Commission:

- Pruning of the holly tree at the Floyd plot
- Maple tree growing through yew
- African American section has overgrown trees and brush causing damage to the fence on the backside of the area.

The group toured and inspected all sections and additions to the cemetery.

The group agreed that the next meeting of the Cemetery Committee will be on Saturday, November 8, 2008 at 10:30 a.m. at the Cemetery.

There being no further business, the meeting was adjourned.

---

Gregory W. Kelly, Town Manager

TOWN OF ABINGDON  
**SINKING SPRINGS CEMETERY COMMITTEE**

MINUTES  
Meeting on Saturday, November 15, 2008

**Members Present**

Ed Morgan  
Gene Matthis  
Anne Hutton  
Francine Ivory  
Charles Seaver  
Kitty Henninger  
Deborah Icenhour

**Absent**

Jack Frost  
Greg Kelly

The November 15, 2008 Sinking Springs Cemetery Committee ("Committee") meeting was held by candlelight at the Parson Cummings Cabin ("Cabin") at the Sinking Springs Cemetery ("Cemetery") with the above-listed members present.

Mr. Morgan opened the meeting with reference to the last meeting, May 10, 2008, and Mr. Greg Kelly's letter dated May 12, 2008 to the Sinking Springs Presbyterian Church ("Church") requesting consent to an easement concerning the Cabin and/or the property upon which same is located. Mr. Morgan recommended that a response be requested if none had been received to date. Discussion then turned to topics pertaining to whether the Church retained control and/or use of the aforementioned property which was conveyed to the Church by Ellen White then to the Town of Abingdon ("Town") by the Church.

Ms. Hutton reported (VIA Tom Phillips) the receipt of an unfavorable letter regarding general use of the Cemetery by various unregulated groups. Discussion ensued regarding plots, Church and ingress/egress of same. Mr. Matthis commented that continuing requests are made for use and tours of the Cabin facility.

Next, the discussion turned to obtaining title to the remainder of the property within the boundaries of the Cemetery itself. Ms. Hutton suggested that quit claim deeds might be the best alternative in obtaining same. Mr.

Morgan recommended that the Committee look into a legislative approach and pursue getting a bill through to accomplish the mission. Mr. Morgan made a motion that the Committee contact the state senate regarding the introduction of a bill which might serve to transfer title to the Committee. The motion was seconded by Mrs. Henninger and passed Committee approval with a majority vote.

Mr. Matthis brought to the attention of the group that the cemetery at Taylor's Hill has apparently been taken care of and is currently in good condition.

The next matter to come before the group was that the Town Tree Commission has suggested that the large, old white oak has been marked to come down in the main portion of the Cemetery.

Mr. Matthis reminded the members present that the Committee is mandated to report to the Abingdon Town Council and upon past occasions has submitted a report on or about the first week of January to report any/all burials that have occurred within the calendar year. He reported that he will circulate the report, but will not finalize the report until the end of the calendar year. Matthis reported that he planned to have the report completed by January 1, 2009. Matthis also announced that there have been no known denials of requested burials in the Cemetery in the year 2008.

Discussion then turned to that of closing of the gates of the Cemetery at night and in a timely manner to guard against potential vandalism. Additional concerns voiced included that the back gate proves difficult to close and that the need for mowing access often dictates that it be left open.

Mr. Morgan broached the topic of a recently-received letter of complaint regarding the Town's Halloween activities observed within the Cemetery. In conjunction with the Town's festivities including hayrides, haunted ghost town, etc. It was the consensus of the group that not all of the festivities were entirely appropriate for an historic site such as the Cemetery, especially those dealing with use of distasteful props. Further, it was the topic of discussion that the Committee did not wish to discourage interest in the Cemetery and its history. The Committee agreed that their concerns for proper use and care of the Cemetery are in no way intended to preclude educational tours. However, upon the motion of Ms. Hutton, seconded by Mrs. Henninger, the group voted unanimously to stop the use of the Cemetery and its grounds for haunted house use by any group. Further, Ms. Henninger recommended that keys to gain access to the Cemetery and its facilities need to be located and accounted for. The group agreed that the issue of the keys should be observed as follows:

- One key in custody of Mrs. Henninger;

- One key in custody of Town (either by Town Clerk's Office or James at Rec. Center);
- One key to be kept at Town maintenance for mowing purposes (?).

Next, Mr. Seaver discussed the subject of a map project in conjunction with an Eagle Scout project which would render a map to aid in the determination of "Who is Buried Where?" in the Cemetery. Seaver is currently working on having approximately 2000 names put into alphabetical order, as the current list exists in a form which he described as akin to "hieroglyphics". Seaver reported that this job should be finished in about thirty (30) days, more or less. The next step, that of plotting an approximate location of graves or map/grid will follow. Mr. Morgan suggested that the Committee look into the possibility of asking whether the Town might possibly supply GPS support for the aforementioned step of the process as well as in determining locations of graves, etc.

Mr. Matthis moved that the Town be officially reminded of the interest of the Committee in identifying ways to expand the use and sustainability of the Cemetery. Mr. Morgan suggested that installation of a columbarium (common burial) at the Cemetery and selling spaces would be a realistic action for the Committee to adopt. The group identified the following concerns to discuss further at the May 2009 meeting of the Committee:

- Look into further details/information with regard to the concept of a columbarium;
- Contact a firm with electronic ability to detect graves which would further enable Committee to locate and mark grave sites.

Mr. Matthis reminded the group that the next meeting will occur in May, 2009 and that the group will receive a prior communication regarding date, time and location.

With no further business before the Committee, Mr. Matthis adjourned the meeting.

Respectfully submitted,

---

Deborah C. Icenhour (for Gregory W. Kelly)

March 9, 2009

To: Members of Sinking Spring Cemetery Committee

From: Gene Matthis

At our November 8, 2007 meeting it was agreed that I would draft a suggested report to the Town Counsel for submission on January 3, 2009 at the first Counsel meeting of 2009. I was unable to accomplish this because of the unavailability of the copies of the minutes for our two meetings held during 2008.

Enclosed is a copy of the suggested report for your review and approval. Please contact me as soon as possible with your approval or disapproval at 276-628-8092 or [Gmatthis@naxs.net](mailto:Gmatthis@naxs.net). If the draft is approved, and in the interest of time I can sign the draft as Chairman and Greg Kelly can attest as Secretary. Our report is required by the end of the first quarter. I hope this meets with your approval.

A handwritten signature in cursive script that reads "Gene Matthis".

Gene Matthis



2008 Annual Report of Abingdon Cemetery Committee  
DRAFT

Pursuant to Town Ordinance Chapter 62-106 through 62107 the Cemetery Committee met on May 10, 2008 at 10; 30 AM and again on November 15, 2008 AT 10;30 AM. Both meetings were held in the Cummings Cabin on the Cemetery Grounds.

Present May 10  
Ed Morgan  
Charles Seaver  
Anne Hutton  
Francine Ivery  
Gene Matthis  
Kitty Henninger  
Greg Kelly

Absent  
Jack Frost

Present November 15  
Ed Morgan  
Gene Matthis  
Anne Hutton  
Francine Ivery  
Charles Seaver  
Kitty Henninger  
Deborah Icenhour

Absent  
Jack Frost  
Greg Kelly

The Committee made a detailed inspection of the Sinking Spring Cemetery, and found it to be well maintained and generally in good condition. The Committee discussed the Scott Campbell and Penn additions to the Cemetery and agreed that the town should continue to acquire clear title to these two additions.

The Committee was made aware of many complaints by citizens regarding general use of the cemetery by various groups, including hay rides, haunted ghost towns, and some using distasteful props. The Committee recommends that the use of haunted house themes and distasteful props by any group be prohibited on cemetery grounds. This is in no way intended to discourage historical and educational tours of the cemetery.

The Committee recommends that keys to the cemetery and its facilities be maintained as follows:

- 1) One key for Committee member Mrs. Kitty Henninger.
- 2) One key for the town either by the town clerk's office or at the Rec. Center.
- 3) One key by town maintenance for mowing purposes.

The Committee recommends that trees overgrowing the fence on the east end of the Sinking Spring Cemetery be trimmed to prevent damage to the newly constructed fence in that area. It is also recommended that the holly tree in the John B. Floyd plot be trimmed as well as a maple tree growing in a plot of yew bushes if deemed appropriate by the tree commission.

An inspection was also made of the White Family Cemetery and the Committee found it also to be well maintained and in good condition.

The Committee reports that two burials were made in Sinking Spring Cemetery during 2008 as follows:

Original Sinking Spring Cemetery

George Rogers Clark Stuart - August 23, 2008 (inurnment)

Scott Campbell addition

Sarah Rachel Reynolds – December 17, 2008

The Committee continues to look at possibilities for additional burial space in Sinking Spring Cemetery, either in a columbarium or as additional conventional burial plots but has no definite recommendation to make at this time.

Respectfully Submitted

Gene Matthis, Chairman\_\_\_\_\_

Attest, Gregory Kelly, Secretary\_\_\_\_\_

**TOWN OF ABINGDON**  
Sinking Spring Cemetery Committee

**Minutes**  
Meeting Held on June 13, 2009

Mr. Matthis called the meeting to order at 11:00am and Mr. Kelly called the roll of the members present.

**Members Present**

Gene Matthis  
Kitty Henninger  
Charles Seaver  
Edward Morgan  
Anne Hutton  
Gregory Kelly  
Francine Ivery

**Members Absent**

Jack Frost

**Guest**

Patrick H. Garrow  
Debbie Icenhour

**Presentation**

Thereafter, Mr. Matthis introduced Patrick H. Garrow, who was going to give the committee a demonstration of how to locate unmarked sites in the cemetery where people are buried. The committee thanked Mr. Garrow and requested that he provide them with written information concerning his services.

**New Business**

~A brief tour of the cemetery was made by the committee thereafter Ed Morgan mentioned removing the large dead Oak Tree.

~The committee recommended the following:

- Looking at the possibility of Columbarium and recommends the same along with the sale of other burial sites to the Town Council.
- Asking State Legislators to draft legislation grant ownership to the Town of the other two sections of the cemetery (Penn Addition and the Scott Addition)
- That the Halloween Festivities need to cease within the cemetery.

- That the Town create pathways throughout the cemetery to encourage visitors from walking over grave sites.
- That the Town place Trash Cans at Cemetery entrances.

**Next Meeting**

~Mr. Kelly announced the date and time of the next meeting, 1<sup>st</sup> Saturday in October at 11:00am.

~He further indicated that he would invite Joe Johnson and William Wampler to that meeting for discussion of the legislation to grant ownership of the two cemeteries to the Town.

  
\_\_\_\_\_  
Gregory W. Kelly, Acting Secretary

### Interim Cemetery Meeting Report to Council


At the October 3, 2009 meeting of the Sinking Spring Cemetery Committee five members were present, and thus constituting a quorum. During the course of the meeting the following actions were taken:

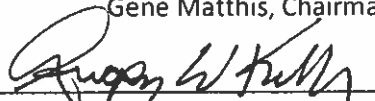
*Motion were made duly seconded and carried by unanimous vote concerning the following issues that need immediate attention*

1. Recommending that a columbarium be constructed in the cemetery and that niches be sold. It was noted that the design should be such that would aesthetically blend with the historic appearance of the cemetery and that it be located in the corner behind the Cummings Cabin. The design would need to be presented to the Town's Board of Architectural Review and perhaps they could guide the committee in the appropriate design.
2. That a meeting with state legislatures be scheduled requesting that they pass legislation granting ownership to the Town of the Penn and Scott-Campbell Additions. It was noted that William Wampler and Joe Johnson were invited to the meeting but made no appearance. Any assistance or political pull that Council could give in this regard would be appreciated by the committee.
3. Recommend to Council that Carolyn Lee be appointed to the committee to fill the vacancy created by Francine Ivery having to resign in order to serve on the Town's Planning Commission.
4. Recommend the hiring of Patrick Garrow to survey, with his grave finding method, a portion of the cemetery known of record as the "colored section" to determine where burials are and where burial spaces are available. If this proved effective, the committee may recommend other areas to be surveyed.
5. That a professional PowerPoint or video presentation be made of the history of the cemetery with Gene Matthis doing narration.

All of these with the exception of Items 2 and 3 will require funding. As such, it will be necessary for the Town to appropriate funding for the same. Accordingly, the committee files this report during the interim of its reporting period for the purpose being able to move these priority matters forward in a timely manner.

Respectfully submitted.

  
Gene Matthis, Chairman

  
Gregory W. Kelly, Secretary

**TOWN OF ABINGDON**  
**SINKING SPRING CEMETERY COMMITTEE MEETING**  
**SATURDAY, OCTOBER 3, 2009 -11:00 A.M.**  
**CUMMINS CABIN—SINKING SPRING CEMETERY**

The fall semi-annual meeting of the Sinking Spring Cemetery Committee was held on October 3, 2009 at 11:00A.M. at the Sinking Spring Cemetery.

**A. Welcome and Introductions**

Mr. Matthis welcomed everyone to the meeting and called it to order

**B. ROLL CALL**

Members of Present:

- a. Charles Seaver
- b. Kitty Henniger
- c. Jack Frost,
- d. Gene Matthis
- e. Greg Kelly

Members Absent:

- a. Ed Morgan
- b. Tom Phillips

Visitors:

NONE

**C. Approval of Minutes**

- a. Mr. Kelly read the minutes from the June 13, 2009 meeting after which Charles Seaver moved and Kitty Henniger seconded that they be approved, which motion passed by unanimous vote.

**D. Business of the Committee**

- a. The committee inspected the cemetery and commented on how well kept it was and in particular, how impressed they were by the removal of the large oak tree that had died and the placed of the trash receptacle at the entrance of the cemetery.
- b. A motion was made by Kitty Henniger that the Town seek legislation to have ownership of the Penn and Scott-Campbell Additions granted to the town and that a columbarium be constructed in the cemetery offering the sale of niches for the same. Jack Frost seconded the motion and it passed by unanimous vote.
- c. A motion was made by Charles Seaver that Patrick Garrow be hired to survey a portion of the cemetery known of record as the "colored section" to determine where burials are and if there are vacant spaces available. The motion was seconded by Kitty Henniger and it passed by unanimous vote.



- d. A motion was made by Greg Kelly that a professional power point or video presentation of the history of the cemetery be made that was narrated by Gene Matthis. The motion was seconded by Kitty Henniger and it passed by unanimous vote.
- e. The committee requested that a meeting be set with state legislators Joe Johnson and William Wampler. It was noted that they were invited to attend the cemetery committee meeting by written invitation of the Town Manager, but did not make an appearance. Mr. Kelly indicated that he would try to line up a meeting and Gene Matthis indicated he would attend that meeting with Mr. Kelly.
- f. The committee viewed the back portion of the Cummins Cabin land and the consensus was that a brick wall columbarium be constructed in the back corner perhaps that was arc shaped and would blend aesthetically to the historic appearance of the cemetery. It was noted that the Towns Board of Architectural review would need to review the plans and would perhaps be helpful in coming up with the design. Mr. Kelly noted that the Town had several pallets of brick from the Campbell house that was torn down beside of the Field Penn House which might be good to use on the columbarium.
- g. Kitty Henniger made a motion, seconded by Mr. Kelly that the committee recommended Carolyn Lee to be appointed by the Council to fill the vacancy created by Francine Ivory being unable to further serve due to being appointed to the Town's Planning Commission. The motion passed by unanimous vote.

#### E. ADJOURNMENT

With no further business before the Committee, the meeting was adjourned.

  
\_\_\_\_\_  
Gregory W. Kelly, Secretary

**TOWN OF ABINGDON  
SINKING SPRING CEMETERY COMMITTEE MEETING  
SATURDAY, June 26, 2010 -11:00 A.M.  
CUMMINGS CABIN—SINKING SPRING CEMETERY**

The fall semi-annual meeting of the Sinking Spring Cemetery Committee was held on June 26, 2010 at 11:00A.M. at the Sinking Spring Cemetery.

**A. Welcome and Introductions**

Mr. Kelly welcomed everyone to the meeting and called it to order

**B. ROLL CALL**

Members of Present:

- a. Charles Seaver
- b. Kitty Henninger
- c. Ed Morgan
- d. Greg Kelly
- e. Tom Phillips
- f. David Winship

Members Absent:

- a. Jack Frost,
- b. Carolyn Lee

Visitors: None

**C. Approval of Minutes**

- a. Mr. Kelly read the minutes from the October 3, 2009 meeting after which Charles Seaver moved and Kitty Henniger seconded that they be approved, provided they be amended to show Francine Ivery as being absent from that meeting, which motion passed by unanimous vote.

**D. Business of the Committee**

- a. Mr. Morgan moved and Kitty Henninger seconded that Charles Seaver be elected as Chairman of the Committee to replace Gene Matthis, who had recently passed away. The motion passed by unanimous vote.
- b. Mr. Kelly advised that there had been a request by the family of Gene Matthis to allow a boulder or natural stone to be used as the tombstone/marker of his grave in the cemetery. Thereafter a motion was made by Mr. Morgan, seconded by Mr. Winship that the committee adopt a policy to allow boulder/natural stone to be used as a tombstone/grave marker provided it is consistent with existing stones/markers and that they be approved by the Chairman of the committee. The motion passed by unanimous vote.
- c. The committee discussed the placing of a plaque or a bench-seat somewhere within the cemetery to commemorate Gene Matthis'

commitment to preserve the cemetery during his lifetime. No formal action was taken on this discussion although the committee was of general consensus that some type of commemorative marker was appropriate.

- d. Mr. Morgan moved and Mr. Winship seconded that the committee recommend to the Abingdon Town Council that it direct its Town Attorney to proceed with eminent domain and/or adverse possession suits, based upon the recent legislation enacted by the Virginia General Assembly, for the Town of Abingdon to acquire ownership/title of the Penn Addition and the Scott-Campbell Addition of the cemetery. The motion passed by unanimous vote. Mr. Morgan further commented that a letter be prepared thanking Senator Wampler and Delegate Johnson for supporting the legislation.
- e. Discussion was had that the Chairman move forward with hiring Patrick Garrow to search for and locate graves in the section of the cemetery on the eastern side of Russell Road, known of record as the "colored section".
- f. Tom Phillips expressed concern about the columbarium being located on the Cummins Cabin section of the cemetery. It was the general consensus of the committee that it be located in the currently unfenced section of Old Russell Road immediately adjacent to the cemetery that the Town now owned.
- g. Charles Seaver indicated that he would move forward with the completion of the power point presentation using some of Gene Matthis' written narratives and photos and that he would have Joe Blevins do the actual narration from Gene's notes. Rob Case from the Town's IT Department would also participate in the filming process.
- h. Discussion was had over whether to keep the gates open or closed. The consensus was to leave things the way they currently were with the two main gates locked and the utility gate open for use by the Little Leaguers.
- i. The committee inspected the cemetery and commented on how well kept it was, and noted in particular how nice the new porch flooring and railing was on the Cummins Cabin. Dave Winship noted the possible need in the future to redo the wooden gate and wooden fencing at the Cummins cabin.

#### **E. ADJOURNMENT**

With no further business before the Committee, the meeting was adjourned.

---

Gregory W. Kelly, Secretary

**TOWN OF ABINGDON**  
**SINKING SPRING CEMETERY COMMITTEE MEETING**

Saturday February 19, 2011  
Town Hall, First Floor Conference Room

The semi-annual meeting of the Sinking Spring Cemetery Committee was held on Saturday 19, 2011 in the first floor conference room.

**A. Welcome and Call to Order:**

Mr. Seaver welcomed everyone to the meeting and called it to order.

**B. Roll Call:**

Members present:

- a. Charles Seaver
- b. Kitty Henninger
- c. Ed Morgan
- d. Greg Kelly
- e. Tom Phillips
- f. Jack Frost

Members absent:

- a. Carolyn Lee
- b. Francine Ivery

Visitors:

Deb Icenhour  
John Dew

**C. Approval of Minutes:**

Copies of the minutes of the previous meeting (6/26/2010) were distributed to the members present, after which Tom Phillips moved that the minutes be accepted as presented. The motion was seconded by Ed Morgan, and the minutes were accepted accordingly by unanimous vote.

**D. Business of the Committee:**

- a. Mr. Seaver asked Jack Frost to report any developments to the group with regard to the Cemetery's marker policy and the request made by the family of Gene Mathis to use a boulder or natural stone to mark the grave of Mr. Mathis. Mr. Frost reported that initially no footer was set for the placement of the native stone, resulting in an unacceptable/unsteady placement and appearance. He further reported that the matter had been corrected, proper footers had been provided for the stone and that it made quite an exceptional marker.

- b. The committee then discussed other matters with regard to the cemetery and the availability of spaces. The discussion of a plot map developed, and Tom Phillips agreed to attempt to speak with Sammy Campbell with regard to the locating the old chart. In the alternative, a short discussion of a possibility of having an interested Scout adopt the development/establishment of a plot chart or map as a major project. Kitty Henninger added that the Washington County Historical Society currently had some history that could provide a basis for recreating the chart.
- c. John Dew shared with the group his intention to work with the Town of Abingdon GIS to locate and photograph head stones in an effort to create a record of the graves within the cemetery. Ed Morgan added that he was especially curious regarding the Penn and Scott-Campbell additions within the cemetery.
- d. Deborah Icenhour, Town Attorney, was called upon next to summarize the status of the ownership of the property(ies) within the cemetery, including those portions referred to as Penn & Scott-Campbell Additions. Ms. Icenhour summarized that the three possible mechanisms available for gaining fee simple ownership by the Town included Eminent Domain, Adverse Possession and/or arriving at an agreement with any individuals who retain (or claim to retain) rights within the cemetery. While each of the approaches require a great deal of time, work, effort and possible expense, each would begin with identifying parties who claim interest, providing notice pursuant to the Code of Virginia and then evaluating the next best step. Ms. Icenhour agreed to proceed with searching titles regarding the aforementioned Additions of the cemetery to begin the process. The group agreed that upon successful identification and notification procedures, the Town would ask that Quit Claim Deeds be executed from any/all heirs individual claimants and that the Town would likely be in a position to assure certain rights for burial in return. This research and subsequent legal process will go forward to continue the progress of gaining resolution of the matter. Updates and progress reports will be given at future meetings.
- e. Ed Morgan then addressed the matter of placement of a bench by the Town of Abingdon or the cemetery committee itself to commemorate the dedication and service shown by Gene Mathis during his lifetime for the Sinking Spring Cemetery. After some discussion, the Town's placement of a bench within the confines of the cemetery in honor of Mr. Mathis was unanimously agreed upon as the most appropriate action.
- f. The next matter of discussion was that of the probing for burial sites which was demonstrated during the June 2009 committee meeting. The group agreed that the idea was probably premature with regard to the issues surrounding full ownership of the real property, and that the expense of locating spaces prior to a better understanding of essential mapping issues would be fairly useless. As a result of the discussion it was the recommendation of the committee not to proceed with the probing process at this time.
- g. Discussions ensued with regard to the future possibility of locating a columbarium within the cemetery, possibly in an adjacent area owned by the Town. Mr. Frost emphasized the fact that the funeral/burial industry is quickly

moving toward cremation and this type of burial. Besides specific ideas for location, the group discussed the importance of careful consideration of style, design and types of materials to be used in construction of such a unit, especially in light of the fact that the cemetery is located within the historic district of the Town. Mr. Morgan agreed to proceed with the exploration of sources for a columbarium structural unit.

- h. Mr. Seaver began discussion of the matter regarding the cemetery's oral history recordings (incomplete) made by Gene Mathis. Mr. Seaver reported that Kathy Reasor had worked with the recordings and had completed organizing, documenting and arranging them. At the suggestion of Mr. Kelly, Mr. Seaver agreed to meet with Rob Case to work on refining the collection, possibly getting the recordings in a more final form and placing a short video tour of same on the Town web sites. Ms. Henninger mentioned that Joe Patton, a local educator, is now able to conduct tours of the cemetery.
- i. Other discussions included concerns regarding replacement of the fence around the Cummings Cabin. The committee arrived at a consensus that the fence should be replaced in a fashion similar to that of the split rail fence at Retirement at the Muster Grounds.
- j. Final matters for discussion included concerns regarding the security of the cemetery, the closing & locking of gates and the custody of the keys. The committee recommended that the Town Police Dept. be alerted as to the lack of security and increase patrols of same to better guard against vandalism within the cemetery.

**E. Adjournment:**

With no further business before the Committee, the meeting was adjourned so that members and attendees could tour the cemetery grounds.

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TOWN OF ABINGDON  
SINKING SPRING CEMETERY COMMITTEE MEETING  
Saturday November 19, 2011  
Town Hall, First Floor Conference Room

The semi-annual meeting of the Sinking Spring Cemetery Committee was held on Saturday 19, 2011 in the first floor conference room.

A. Welcome and Call to Order:

Mr. Seaver welcomed everyone to the meeting and called it to order.

B. Roll Call:

Members present:

- a. Charles Seaver
- b. Kitty Henninger
- c. Ed Morgan
- d. Greg Kelly
- e. Tom Phillips
- f. David Winship
- g. Carolyn Lee

Members absent:

Jack Frost

Visitors:

Deb Icenhour

C. Approval of Minutes:

Copies of the minutes of the previous meeting (2/19/2010) were distributed to the members present, after which David Winship brought to the attention of the group that the minutes failed to list him as having been in attendance at same. The secretary made the correction and the chair entertained a motion by Tom Phillips to accept the minutes as corrected. The motion was seconded by Ed Morgan, and the minutes were accepted accordingly by unanimous vote.

D. Old Business of the Committee:

- a. Mr. Kelly reported that the Gene Mathis memorial bench was finished and that it would be placed inside the gate nearest the Cummings Cabin at the Cemetery by Town Parks & Rec. employees. The bench will have a brass plate attached to it which denotes Mr. Mathis' pertinent dates and information.

b. The Committee then discussed other matters with regard to the Cemetery and the availability of spaces. Tom Phillips reported that he has attempted, unsuccessfully, to reach Jean Campbell (widow of Sam Campbell, Sammy's father) to better ascertain facts and/or information with regard to the Scott-Campbell addition of the Cemetery. Deb Icenhour, Town Attorney, reported that she had spoken briefly with Sammy Campbell regarding the whereabouts of any existing plot chart. Mr. Campbell told Ms. Icenhour that he did not know of the location of any such chart. Mr. Phillips added that he thought F.B. McConnell might have had possession of records pertinent to the McConnell family and their interests therein. Further discussion established that since Mr. F.B. McConnell was designated as Trustee of the family interests in the Cemetery property that he or his effects would be a logical point of contact to further the fact-finding mission regarding ownership of the property. Kitty (McConnell) Henninger reported that she might be able to contact a distant relative who presently lives near Atlanta and might have pertinent information regarding this issue. She volunteered to make some calls to follow up with this possibility prior to next meeting.

c. The discussion then turned to the status of the Town's work to obtain title to the parcels which are remaining in the Penn and Scott-Campbell additions of the Cemetery. Much discussion ensued with regard to adverse possession, claim of abandonment, public notification for same, etc. At the suggestion of Mayor Morgan, the Committee agreed that the preferred course of action was to draft quit claim deeds conveying any/all interest in said additions to the Town of Abingdon and requesting Mr. Sammy Campbell, Mr. Jack Frost and Penn family contacts to execute same. Ms. Icenhour agreed to begin the process. The discussion continued to include the fact that Penn ancestors presently live near Kingsport, and that attempts would be made to make contact with same.

d. The discussion for the next matter requiring the consideration of the Committee was introduced by Mr. Gregory Kelly, Abingdon Town Manager. Mr. Kelly asked that the Committee come to a consensus with regard to establishing the location upon which they wish to locate the columbarium, a matter which they have been discussing and planning for the past several meetings. This action would enable him to ask Council to allocate funds for the project and request that he be authorized to negotiate the arrangements and enable the project to move forward. Discussion ensued regarding the size and composition of the structure and the need for altering the gate near Latture field to allow for access. Use of old brick which is already in the Town's possession was discussed and favored by the Committee as it would best blend with existing brick structures in the historic district. A motion was then made by Mrs. Henninger that the Committee Chair, Mr. Seavers, be placed on the December Town Council Agenda (12/5/2011) to request that Council allocate necessary funds for the columbarium project and authorize Mr. Greg Kelly to work with the design and construction professionals to arrange for installation of same. The motion was seconded by David Winship. The Committee members agreed tentatively that the best location would be near a bank on the Latture Field/SW side of the creek. The Committee agreed to look closely at the exact location when the meeting was adjourned for the Cemetery visit. (The Committee confirmed the choice of site at the conclusion of the inspection.)

e. The next topic for discussion was the progress of the Cemetery Tour – Oral History production that was begun several years ago by Mr. Gene Mathis. John Phelps, Abingdon Town employee in the IT Department, is now working on combining photos and using the script that Mr.

Mathis had written to further develop the oral history production that also involves the compilation of photographs by Kathy Shearer.

f. The next matter involved Mrs. Henninger's announcement that she had in her possession keys for the Cummings Log Cabin located just inside the front gate of Sinking Spring Cemetery, to the left of the central driveway. The five new keys will be located as follows:

1. Sinking Spring Presbyterian Church – in office;
2. Town Manager's Office – 3<sup>rd</sup> floor Town Hall;
3. James Agner – Town Parks & Rec. employee;
4. Kitty Henninger – Committee member;
5. Chief Tony Sullivan – Abingdon Police Chief.

g. Discussions ensued with regard to the fence work that has been completed at certain parts of the Cemetery surrounding the Cummings Log Cabin. The gate was replaced somewhat earlier than the newest portions of the split rail fence, so the materials are not aged the same color or tone at this point. The wood tones should soon blend with the winter weathering process. Mr. Kelly asked the Committee to take a look at the new fence and its construction upon their planned visit to the Cemetery that day.

h. Mr. Kelly reported that Mr. John Dew, Town Engineer, and his son, Ian, were continuing to make progress in working on a GIS grave identity guide to the Cemetery which can be entered officially into the Town's GIS information. Mayor Morgan added that Link Elmore, an instructor of geography at Emory & Henry College, might very well be interested in involving his students in this GIS initiative. The potential student's efforts could work to serve as a catalyst in moving the project forward and expediting the process, possibly with the assistance of the Dews.

D. New Business of the Committee:

a. Mr. Kelly brought the first order of new business to the attention of the Committee: He announced that Sam Woolwine had requested that the Committee allow him to take the damaged headstone of his great-grandfather, Mr. Charles Henry Smith, for the purpose of restoring/repairing it before returning it to the Cemetery. It is currently leaning and would require some work to stabilize. Mr. Seaver suggested that Mr. Woolwine be contacted and informed that his request would be granted by the Committee. It was the consensus of the Committee that pertinent educational material available from VDHR on Cemetery workshops be given to Mr. Woolwine and that he be encouraged to perform the work on the headstone accordingly. (A copy of the above mentioned material has been prepared and sent via US Mail to Mr. Woolwine along with notification that the Committee has agreed to extend permission for him to remove and perform the repairs to his great-grandfather's headstone, so long as same is performed in a timely manner.)

b. Further, Mr. Kelly reported that Teresa Walker had called his office to report that the headstones for her grandparents, Mabelle Gibson Anderson (1880-1926) and Alexander Colquhoun Anderson (1876-1953), were missing from the Cemetery. Ms. Walker told Mr. Kelly that one of the markers was leaning the last time she saw them, and now they are completely missing. The plot is near the George Sandoe Marker. The Committee agreed that the members would look closely at the

site during the inspection/visit to the Cemetery following adjournment of the business portion of the meeting.

c. Mr. Kelly also informed the Committee that his office had received several requests for a variety of reasons to utilize the Cemetery property. He informed the members that, upon investigation, he had declined to allow the use of the property for photo modeling shoots and an after-hours ritual of an ETSU fraternity, Kappa Sigma, initiation activity. The fraternity, founded by Mr. Alonzo Jackson whose grave is at the Cemetery, wanted to use the Jackson gravesite for their after-dusk initiation. The fraternity officers were told that their activity must be finished by 5:30PM when the gates are locked, which is also consistent with the national bylaws of the fraternity.

d. Discussion ensued briefly with regard to various topics of concern with Committee members including the unique quality of the property itself and preservation of same, vandalism risk and the number of unmarked graves in both portions of the Cemetery.

With nothing more on the Agenda, Mr. Seaver adjourned the meeting and the Committee was dismissed to the Cemetery for its inspection visit.

Respectfully submitted this the 28<sup>th</sup> day of November, 2011,

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Deborah C. Icenhour for Gregory W. Kelly

**TOWN OF ABINGDON**  
**SINKING SPRING CEMETERY COMMITTEE MEETING**  
**Saturday June 30, 2012**  
**Cummings Cabin at Sinking Spring Cemetery**  
**Abingdon, Virginia**

The semi-annual meeting of the Sinking Spring Cemetery Committee was held on Saturday June 30, 2012 in the Cummings Cabin at Sinking Spring Cemetery.

**A. Welcome and Call to Order:**

Mr. Charles Seaver, Committee Chairman, welcomed everyone to the meeting and called it to order.

**B. Roll Call:**

**Members present:**

Charles Seaver  
Kitty Henninger  
Ed Morgan  
Greg Kelly  
David Winship  
Carolyn Lee  
Jack Frost

**Visitors:**

Deb Icenhour, Abingdon Town Attorney

**C. Approval of Minutes:**

Copies of the minutes of the previous meeting (11/19/2011) were distributed to the members present, and the chair entertained a motion by David Winship to approve the minutes as corrected to reflect that he was inadvertently omitted from the list of members present at said meeting. The motion was seconded by Greg Kelly, and the minutes were corrected and then accepted accordingly by unanimous vote.

**D. Change in Agenda Order/New Concerns:**

Mr. Seaver then rearranged the traditional agenda order due to time the restraints affecting Committee Member, Jack Frost. Mr. Frost brought forth the following concerns:

**Mary Hinkle:**

Mr. Frost wished to bring matters of concern before the group regarding Ms. Mary Hinkle, a resident of South Carolina, and her request to place a granite marker on her



grandparent's graves, George Lawson (died in 1946) and Martha Ellen Lawson (died in 1953). Ms. Hinkle expressed to Mr. Frost that she has become quite frustrated and distressed because she has been unable to find anyone who knows the exact location of her grandparent's graves. She expressed a desire to have this issue addressed promptly and possibly reserve the right to be buried within the same area herself. Discussion ensued with regard to this matter and all agreed that there was likely no real answer, as the graves were not marked at the time of internment. Without a clearly labeled map or diagram as to the location of said graves Ms. Hinkle would likely not be satisfied with any alternative. The group offered possible suggestions such as placement of an honorary plaque within the confines of the Cemetery or on an honorary wall if same should be constructed in the near future, or the possibility of columbarium space when same is available. Discussion continued with regard to Ms. Hinkle's ability to prove title of right for burial and the importance of same to the integrity of the Cemetery. Mr. Winship suggested that Ms. Icenhour contact Ms. Hinkle and discuss that matter further in an effort to ascertain whether she had additional information or any form of title to a burial right. (See notes attached hereto for Icenhour's follow-up with Ms. Hinkle.)

Discussion ensued briefly regarding the proper identification of spaces, claiming rights and the procedure observed currently. The discussion then turned to the existence of a map which could possibly answer such matters, to be properly discussed and continued within these minutes in the following section under "Old/Existing Business".

**Cemetery Contractors & Liability Insurance:**

Mr. Frost then raised a concern regarding the opening and closing of graves and the quality of such work. Mr. Frost expressed that his business had changed contractors for such work and he emphasized the value of requiring a certificate of insurance of such contractors in addition to the added value of using compact equipment and doing a complete job when performing said tasks. Said Certificates of insurance are to be submitted to the Town offices on an annual basis and must list the Town of Abingdon as an additionally insured party in the event of any liability claims due to the aforementioned work.

**Parson Cummings Cabin Maintenance & Cleaning:**

Kitty Henninger expressed concerns with regard to the maintenance and cleaning of the Parson Cummings Cabin and expressed that either members of the Town staff or Sinking Spring Church volunteers would be welcome participants in such volunteer matters. Committee Member David Winship volunteered to help with the cleaning efforts under Ms. Henninger's supervision and at her direction.

**Fleenor Grave Marker:**

The next item was brought forth by Mr. Jack Frost and concerned the moving and placement of a hand-poured bench (crafted by Mr. James E. "Jimmy" Fleenor) presently located at the Fleenor cabin at Spoon Gap. The family of Mr. Fleenor, buried at Sinking Spring Cemetery on May 5, 2012, requests that the Committee accepts the four foot-wide piece as Jimmy Fleenor's monument and grave marker. Mayor Ed Morgan moved that same be accepted accordingly, Kitty Henninger seconded, and the motion carried unanimously.



#### **E. Old/Existing Issues/Business:**

Items on the Agenda listed as old or existing business included the following:

##### **Woolwine Headstone Issue:**

The next item of business was that of the progress of the repair of a headstone by Mr. Sam Woolwine. Mr. Woolwine was granted permission to remove his great-grandfather's (Charles Henry Smith) broken headstone from the Cemetery for repair. State approved instructional material was furnished to Mr. Woolwine with regard to proper repair practices, but it was uncertain as to any progress made or whether a date to return same to the Cemetery had been decided upon as of the last meeting. Mr. Kelly volunteered to check status of same and provide additional information at the next meeting, likely in November 2012.

##### **Cemetery and Town Ownership Issue:**

The Committee then discussed other matters with regard to the Cemetery and the availability of spaces and ownership issues. Tom Phillips reported that he has attempted, unsuccessfully, to reach certain parties, including Mr. Sammy Campbell, to better ascertain facts and/or information with regard to the Scott-Campbell addition of the Cemetery. Deb Icenhour, Town Attorney, reported that she had, again, spoken briefly with Sammy Campbell regarding the whereabouts of any existing plot chart. (Mr. Campbell told Ms. Icenhour that he did not know of the location of any such chart, but that he had given any/all such information which might contain information regarding the Cemetery to his attorney, Anne Hutton.)

Mayor Ed Morgan expressed a strong interest in moving forward on the ownership issue. Ms. Icenhour agreed to examine the legalities along with Mr. Kelly and keep Council informed with regard to same. The motion was made by Mayor Ed Morgan and seconded by David Winship to move forward pursuant to the most appropriate legal actions available in order to make progress toward gaining ownership of the property (specifically the Penn and Scott-Campbell additions of the Cemetery) in full. The motion carried unanimously. *(See Icenhour's update attached hereto regarding contacts made and quitclaim deeds requested and received to date.)*

##### **Oral History of the Sinking Spring Cemetery:**

The next topic for discussion was the progress of the Cemetery Tour – Oral History production that originated several years ago as an idea of Mr. Gene Mathis. John Phelps, Abingdon Town employee in the IT Department, is now working on combining photos, elements and using the script that Mr. Mathis had written to further develop the oral history production that also involves the compilation of photographs by Kathy Shearer. The script was reportedly written at the time of the meeting and most likely a Barter Theatre actor is expected to portray the part of the narrator. The Barter Theatre is doing the voice-over recording gratuitously. The matter of possible future sales of copies of such a recording remained open to suggestions and future discussion.

##### **Alexander Anderson Headstone:**

Mr. Kelly reported that a granddaughter of Alexander and Mabel Anderson has been in touch with the Town offices to complain that the headstone for Alexander Anderson, complainant's grandfather, is missing. The complaining relative reported that the headstone had been leaning for an extended amount of time, but is now missing. *(At this point, Mr. Kelly and Mr. Frost took a quick tour of the grave site to confirm that the grave was indeed missing its stone. Mr. Frost*

*reported that he would send staff early in the following week to check for the possibility of a buried stone. See attached notes regarding this matter. )*

**Columbarium:**

The next matter for discussion was introduced by Mr. Gregory Kelly, Abingdon Town Manager, and was in regard to future plans for building a columbarium within the Cemetery, a topic that has reportedly been discussed for some time now. Mr. Kelly reported that the brick which the Committee had discussed using at a prior meeting (from the Campbell House) seems to be in very poor condition/quality. Mr. John Dew, Town of Abingdon Public Works, had given Mr. Kelly the suggestion of incorporating a few of the old bricks with new pavers (which closely resemble each other in color, shape and texture) might help achieve the desired old, existing brick effect. The Town's Public Works Department will likely do the masonry work to encase the pre-fabricated unit which will be purchased and placed near a bank on the Latture Field/SW side of the creek on a spot specifically chosen and confirmed by the Committee at an earlier meeting. (A request made at the December 5, 2011 regular Abingdon Town Council for the allocation of necessary funds regarding the columbarium project authorized Mr. Greg Kelly, Town Manager, to work with the design and construction professionals to arrange for installation of same.)

Other concerns discussed regarding the placement and incorporation of a columbarium unit into the Cemetery included policies and procedures that the Committee would need to consider in the future for recommendation to Council. Establishing such basic concepts as business management of same and monetary charges per niche upon completion were mentioned. Mr. Kelly requested that Mr. Frost get prices, recommended pre-made models and any additional pertinent information by the November 2012 meeting. Committee Members identified basic designs and a need for consideration of aesthetics. Mayor Ed Morgan suggested that the Committee might wish to consider using the services of Quinn Craughwell for a professional landscaping plan. Mr. Kelly agreed to gather materials, information and facts regarding this project and distribute to Committee Members.

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With nothing more on the Agenda, Mr. Seaver adjourned the meeting and the Committee was dismissed to the Cemetery for its inspection visit.

Respectfully submitted this the 17<sup>th</sup> day of November, 2011,

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Deborah C. Icenhour for Gregory W. Kelly

**ATTACHMENT**  
**Notes to Minutes of June 2012 Meeting**  
**Sinking Spring Cemetery Committee**  
**D. Icenhour, Abingdon Town Attorney**  
**November 2012**

**Mary Hinkle:**

I was in touch with Ms. Hinkle shortly following the June 2012 Cemetery Committee meeting. She retold me the story she had told others, as represented herein regarding the matters brought to the Committee via Mr. Jack Frost. I told Ms. Hinkle that while we certainly regretted that the matter had placed her in such an awkward position, we needed to know what she might consider to be acceptable in paying respect and honor to her grandparents. I also told her that the Committee had drafted official guidelines dated 2007 which addressed any new concerns that she might have with regard to her own burial. I sent her a copy of said guidelines (and have attached a copy hereto for your information and files) along with a cover letter. While her manner was rather hostile at first with regard to our phone conversation, she had taken quite a different approach by the time we had finished our conversation. I told her that the Town continued to try to find more information about the history and occupants of the Sinking Spring Cemetery, and if anything should surface with regard to the grave locations of her relatives that we would do our best to notify her of same. We have heard no more from her since July when she was sent the Cemetery Rules and Regs.

**Cemetery and Town Ownership Issue:**

Shortly following the June 2012 Cemetery Committee meeting I drafted and sent quitclaim deeds to the following individuals:

- ✓ Jack Frost - Has quitclaimed any/all Sinking Spring Cemetery real property interest to the Town;
- X Sammy Campbell - Upon asking Sammy about this, he informed me that he had forwarded his quitclaim deed to Anne Hutton for her opinion. He has heard nothing from her regarding same;
- ✓ John Bundy - Has quitclaimed any/all Sinking Spring Cemetery real property interest to the Town;

(The following are sons of John G. Penn, brother of Sue Penn:)

- ✓ George Edward Penn II - Promised/pending;
- ✓ John Gilmore Penn - Promised/pending;

Once the Town has received the copies of quitclaim deeds from the Penn brothers and from another several individuals that we have contacted or identified, we plan to file a petition with the Circuit Court of Washington County under color of title to be granted legal title to said Sinking Springs Cemetery property in its entirety. This will also require notification by publication of same in the local paper. We are fairly sure that we can make a case with the Court and argue that the elements required to gain title

through the doctrine of adverse possession on remaining parcels or plots, if any, have been met. We deem this type of approach to be more efficient, less abrasive and simply preferable to that of eminent domain.

**Alexander Anderson (missing?) Headstone Issue:**

Immediately following the June 2012 meeting, Mr. Kelly returned with several members of the Cemetery Committee and began manually examining the surface area of the Anderson grave, finding that there was, indeed, a hard, seemingly flat surface or object just beneath the matted grass and soil. When he began peeling away the accumulated debris, viola! The missing headstone of Alexander Anderson was uncovered! The mystery was solved and Mr. Frost did not have to send staff to further explore the situation. While I am not sure whether the stone has been set back in place, it seems that some things do occasionally work out and provide for a happy (or possibly acceptable) ending! Maybe the future holds more of the same for the Sinking Spring Cemetery!

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**TOWN OF ABINGDON  
SINKING SPRING CEMETERY COMMITTEE MEETING  
SATURDAY, November 17, 2012 - 9:00 A.M.  
MUNICIPAL BUILDING and SINKING SPRING CEMETERY**

The fall semi-annual meeting of the Sinking Spring Cemetery Committee was held on November 17, 2012 at 9:00A.M. at the Abingdon Municipal Building, followed by a walking tour and inspection of Sinking Spring Cemetery.

**A. Welcome and Introductions**

Mr. Charles Seaver, Chairman, welcomed everyone to the meeting and called it to order.

**B. ROLL CALL**

Members of Present:

- a. Charles Seaver
- b. Kitty Henninger
- c. David Winship,
- d. Ed Morgan
- e. Tom Phillips
- f. Greg Kelly

Members Absent:

- a. Jack Frost
- b. Carolyn Lee

Visitors: NONE

**C. Approval of Minutes**

- a. Mr. Seaver provided copies of the minutes from the June 30, 2012 meeting after which David Winship moved and Kitty Henninger seconded that they be approved, which motion passed by unanimous vote.

**D. Business of the Committee**

- a. The committee discussed the progress of obtaining ownership of the Scott-Campbell Addition and the Penn Addition of the cemetery. Mr. Kelly advised that the Town attorney had obtained some key quitclaim deeds and expected to have the remainder necessary to quiet title to both additions in the near future. It was suggested that Sammy Campbell be sent a certified letter that the Town would proceed with legal action to obtain legal title to the remaining portion of the Scott-Campbell Addition unless he signed and returned his quitclaim deed relative to the same.
- b. The Committee discussed hiring Graham Landscape Architecture to design the appropriate columbarium, including determining the appropriate location and landscaping for the same. Discussion was also had of creating a meditation area and perhaps a memorial wall. David Winship thereafter made a motion, seconded by Kitty Henninger that the Committee recommended moving forward with the hiring of Graham Landscape Architecture. The motion passed by unanimous vote. Mr. Kelly advised that he would report this to the Town Council at the December

meeting and thereafter enter into the contract to move this project forward pursuant to prior authorization of the Town Council.

- c. Mr. Kelly distributed to each member a copy of the Gene Matthis DVD of the cemetery but asked that it not be shown publicly until Mrs. Matthis had received copies and approved of its use. All agreed that they would hold the DVDs use in strict personal confidentiality.
- d. The committee recessed to the Sinking Spring Cemetery and proceeded with an inspection of the same. Members generally commented on how well kept it was and in particular, found it to be in wonderful condition. The committee further viewed potential sites of the future columbarium.

#### **E. ADJOURNMENT**

With no further business before the Committee, the meeting was adjourned.

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Gregory W. Kelly, Secretary

**TOWN OF ABINGDON  
SINKING SPRING CEMETERY COMMITTEE MEETING  
SATURDAY, April 20, 2013 -9:00 A.M.  
MUNICIPAL BUILDING and SINKING SPRING CEMETERY**

The Spring semi-annual meeting of the Sinking Spring Cemetery Committee was held on April 20, 2013 at 9:00 A.M. at the Abingdon Municipal Building, followed by a walking tour and inspection of Sinking Spring Cemetery.

**A. Welcome and Introductions**

Mr. Charles Seaver, Chairman, welcomed everyone to the meeting and called it to order

**B. ROLL CALL**

Members of Present:

- a. Charles Seaver
- b. Kitty Henninger
- c. David Winship
- d. Carolyn Lee
- e. Greg Kelly

Members Absent:

- a. Jack Frost
- b. Ed Morgan
- c. Tom Phillips

Visitors:

- a. Quinn Craughwell
- b. Nathan Brown
- c. Garrett Jackson

**C. Approval of Minutes**

- a. Mr. Seaver provided copies of the minutes from the November 17, 2012 meeting after which David Winship moved and Kitty Henniger seconded that they be approved, which motion passed by unanimous vote.

**D. Business of the Committee**

- a. Quinn Craughwell presented three conceptual designs for a columbarium to be located in the cemetery. The committee had a lengthy discussion about the size and expense of such a project. The consensus of the cemetery committee was to pursue the columbarium on a phased approach. The first phase would be defined as the property owned by the Town adjacent to the cemetery and Russell Road. In order to finance this phase, it was believed that the Town could construct the memorial wall at this location and perhaps get the local Funeral Homes to finance construction off sections of



the columbarium that they would own to sell off niches at a price controlled and determined by the funeral homes.

- b. Mr. Winship made a motion, seconded by Kitty Henninger, which passed by unanimous vote that the Cemetery Committee hold a special meeting in the summer for a presentation of marketing from a columbarium consultant and the two local funeral homes (Frost Funeral Home and Farris Funeral Home).
- c. The committee recessed to the Sinking Spring Cemetery and proceeded with an inspection of the same. Members generally commented on how well kept it was and in particular, found it to be in good condition. The committee further viewed potential sites of the various phases of the future columbarium.

#### **E. ADJOURNMENT**

With no further business before the Committee, the meeting was adjourned.

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Gregory W. Kelly, Secretary

**TOWN OF ABINGDON  
SINKING SPRING CEMETERY COMMITTEE MEETING  
SATURDAY, November 16, 2013 -9:00 A.M.  
MUNICIPAL BUILDING and SINKING SPRING CEMETERY**

The fall semi-annual meeting of the Sinking Spring Cemetery Committee was held on November 16, 2013 at 9:00A.M. at the Abingdon Municipal Building, followed by a walking tour and inspection of Sinking Spring Cemetery.

**A. Welcome and Introductions**

Greg Kelly, Town Manager, called the meeting to order. He then welcomed everyone and especially the newly appointed members to the committee, and he thereafter assumed the role as Chairman, until a new Chairman and Vice Chairman could be appointed.

**B. ROLL CALL**

Members of Present:

- a. Wayne Miller
- b. Al Bradley
- c. Jim Hagy
- d. Ed Morgan
- e. Greg Kelly

Members Absent:

- a. Jack Frost
- b. Carolyn Lee
- c. David Winship

**C. Appointment of a Chairman and Vice Chairman**

- a. After discussion by all present, Al Bradley moved and Wayne Miller seconded that David Winship be appointed Chairman of the Committee. The motion carried by unanimous vote.
- b. After further discussion, Ed Morgan moved and Wayne Miller seconded that Al Bradley be appointed Vice-Chairman of the committee. The motion carried by unanimous vote.

**D. Approval of Minutes**

- a. Mr. Kelly provided copies of the minutes from the April 20, 2013 meeting after which Al Bradley moved and Ed Morgan seconded that they be approved, which motion passed by majority vote of those voting, which was Mr. Kelly who was the only member present from the last meeting. All other members present abstained from voting.

**E. Business of the Committee**

- a. Columbarium Project. Mr. Kelly gave an update on the columbarium project and informed that the Town received no formal proposals from its previous request for proposals. Mr. Kelly advised that the funeral homes local to Abingdon had indicated that there was very minimal current demand for columbarium space. Mr. Kelly advised that it was his intent to budget for the construction of a memorial wall to be built on Town property adjacent to the Cemetery property. All members expressed that they believed that the design should be reviewed and approved by the Board of Architectural Review and by this committee prior to construction of the same. Mr. Kelly concurred.
- b. Cleaning of Tombstone Request by Tina Harris. Discussion was had on the topic of this request and it was left to the Town Manager to administratively approve this request. No objection was asserted by any member. Mr. Hagy suggested that we look into a company to perhaps assist in the cleaning of other tombstones throughout the cemetery. He indicated that he would try to have such a company come before the next committee meeting to give a presentation.
- c. Scheduling a date to report the status of the cemetery to the Town Council. The members present indicated that perhaps Mr. Winship, as the Chairman, should provide the report in the upcoming months. Mr. Bradley, as Vice-Chairman, offered to assist in the presentation if necessary.
- d. Miscellaneous Discussion. Mr. Hagy indicated that he had discovered some errors in the cemetery brochure and he would identify them so that they could be corrected. He also indicated that markers should be placed throughout the cemetery identifying the numbered areas in the brochure. Mr. Kelly indicated that he would take care of this.
- e. The committee recessed to the Sinking Spring Cemetery and proceeded with an inspection of the same. Members generally commented on how well kept it was and in particular, found it to be in good condition. The committee indicated a need to put a brochure box on the Cummings Cabin and that the Town Arborist should examine the Holly Trees in the cemetery to determine if they could be trimmed. In addition, some fallen dead wood was noted to which Mr. Kelly indicated that he would have the Town staff address. The members advised that they would individually inspect the White Cemetery on Reservoir Hill when they were available to do so.

## **F. ADJOURNMENT**

With no further business before the Committee, the meeting was adjourned.

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Gregory W. Kelly, Secretary

9/20/16

**TOWN OF ABINGDON  
SINKING SPRING CEMETERY COMMITTEE MEETING  
SATURDAY, May 30, 2015-9:00 A.M.  
CUMMINS CABIN and SINKING SPRING CEMETERY**

The semi-annual meeting of the Sinking Spring Cemetery Committee was held on May 30, 2015 at 9:00A.M. at the Cummins Cabin, followed by a walking tour and inspection of Sinking Spring Cemetery.

**A. Welcome**

David Winship, Chairman, called the meeting to order.

**B. Roll Call**

**Members of Present:**

- a. David Winship
- b. Jack Frost
- c. Al Bradley
- d. Carolyn Lee
- e. Ed Morgan
- f. Greg Kelly

**Members Absent:**

- a. Wayne Miller
- b. Jim Hagy (Resigned)

**C. Approval of Minutes**

- a. Mr. Kelly provided copies of the minutes from the May 3, 2014 meeting after which, without objection, they were approved as submitted.

**D. Business of the Committee**

- a. Election of Chairman and Vice-Chairman. Upon nomination by Ed Morgan of David Winship to repeat as Chairman and Al Bradley to continue as Vice-Chairman, all present of the committee voted unanimously to reappoint David Winship as Chairman and Al Bradley as Vice-Chairman.
- b. Report on Recent Maintenance Issues to the Cemetery. Mr. Kelly reported to the committee that maintenance matters had taken place at the cemetery since the last meeting, namely:
  - i. Various weeding of invasive weeds and plants
  - ii. Tree Trimming to raise the canopy of several billowing trees that were overtaking various burial sites/plots
  - iii. Mowing was being handled much better due to Kevin Worley inspecting the cemetery before and after each mowing

GIS map on town  
website  
www.abingdonva.gov  
Integrity Software

- iv. A complaint relative to the use of weed killer. However, Mr. Kelly explained that this was necessary to keep the fence line free from various vines and weeds that entwine themselves around the fence.
  - c. Report on Security Issues. Mr. Kelly advised that several students from Elan University were caught in the cemetery after dark visiting the grave site of Alonzo Jackson. The students fled from one section of the cemetery to another and scaled the fencing. The students were cited for trespassing in the cemetery after dark. No damages were discovered.
  - d. Mapping of Cemetery. Mr. Kelly advised that the Town already has mapping software for mapping the cemetery using GPS. He further advised that the Town's IT Director, Floyd Bailey, had indicated that if he could get six volunteers and three GPS Town staff members that the entire cemetery could likely be mapped in less than a week. The software would document a photo of the site, coordinates for location and the name and marker information. This data could then be placed on a touch on a touchpad and located on site in a cemetery kiosk to be constructed. The committee members were enthused by this and recommended that we move forward with getting the volunteers to begin the mapping. Mr. Winship indicated that he would solicit some help from the historical society and perhaps the boy scouts. Mr. Kelly was to follow up with Mr. Winship to move this along as soon as possible
  - e. Columbarium Project. Jack Frost offered to provide the cemetery with a small columbarium at no profit to himself for use in the cemetery. Discussion was had and it was recommended that Mr. Frost meet with Mr. Kelly and determine the appropriate style and location of the columbarium. Mr. Kelly advised that the style would have to be presented to the Town's Historic Preservation Review Board for approval first. The committee further recommended that it continue to explore options for a memorial wall and possibly another columbarium at the spherical section of land owned by the Town that is immediately adjacent to the cemetery and Russell Road. Mr. Kelly reported on the cost of fence relocation and the cost per linear foot of the wall. The committee discussed using the Frost columbarium as a test pilot to gauge the interests and needs of the community in having columbarium space in the cemetery.
  - f. Upcoming Report to the Town Council. Mr. Winship, as the Chairman, indicated that he would provide a report on the condition of the cemetery and the committee's endeavors at a Council meeting in the next few months.
- E. Inspection of the Cemetery. The committee recessed to the Sinking Spring Cemetery and proceeded with an inspection of the same. All commented on the tree trimming that had occurred and discussed the possibility of allowing groups to adopt a section of the cemetery to revitalize and maintain. The group also viewed the possible site for a columbarium. Jack Frost pointed out a site that he would like to use that was in the fenced in area surrounding the Cummins cabin.

**F. ADJOURNMENT**

With no further business before the Committee, the meeting was adjourned.

**TOWN OF ABINGDON  
SINKING SPRING CEMETERY COMMITTEE MEETING  
TUESDAY, SEPTEMBER 20, 2016 -9:00 A.M.  
CUMMINS CABIN—SINKING SPRING CEMETERY**

The fall semi-annual meeting of the Sinking Spring Cemetery Committee was held, on September 20 at 9:00A.M., at the Sinking Spring Cemetery.

**A. Welcome and Introductions**

Mr. Matthis welcomed everyone to the meeting and called it to order

**B. ROLL CALL**

Members of Present:

- a. Mike Farris
- b. Wayne Miller
- c. Sigrid Phillips
- d. Martha Keys
- e. Al Bradley
- f. Greg Kelly

Members Absent:

- a. Cathy Lowe
- b. Carolyn Lee

Visitors:

- a. Jon Phelps
- b. Beth Minnick
- c. Kevin Worley
- d. Floyd Bailey
- e. Cecile Rosenbaum

NONE

**C. Approval of Minutes**

- a. Al Bradley, Vice Chairman served as the Chairman of the committee and called the meeting to order.
- b. Mr. Kelly advised that at the next regularly called meeting in the Spring the committee should formally select a Chair Person and a Vice Chair for the committee.
- c. Mr. Kelly read the minutes from the prior meeting after which Wayne Miller moved and Martha Keys seconded that they be approved, which motion passed by unanimous vote.

#### **D. Business of the Committee**

- a. The committee was given a presentation from Beth Minnick, Floyd Bailey and Jon Phelps on the mapping of the cemetery which is now complete. It was pointed out that the IT Dept. intends to build an electronic kiosk where the names and locations of graves are within the cemetery. The committee recommended that the kiosk be placed on the porch of the Cummings Cabin and resemble a stack of firewood so as to blend with the historic integrity of the cemetery.
- b. The committee inspected the cemetery and commented that it appeared to be in good shape with the exception of a few markers that they believed needed to be reset. They also recommended the placement of signs to distinguish the three sections of the cemetery.
- c. The committee discussed whether or not to move forward with a columbarium. Mr. Farris mentioned that there currently is little demand for a columbarium in cemeteries as there are alternate means that people often prefer is where ash remains are buried or otherwise kept or disposed of. A motion was made by Wayne Miller, seconded by Al Bradley that discussion of the columbarium be tabled for further discussion at a future date. The motion carried by unanimous vote of those present.
- d. Mr. Kelly advised that he would attempt to set the next meeting in the Spring of 2017.

#### **E. ADJOURNMENT**

With no further business before the Committee, the meeting was adjourned.

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Gregory W. Kelly, Secretary



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Gregory W. Kelly, Secretary